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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/014,988 | 12/11/2001 | Barry J. Male | UNITI-156XX | 3319 |

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EXAMINER

TRAN, MAI HUONG C

ART UNIT

PAPER NUMBER

2818

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,988

Applicant(s)

MALE, BARRY J.

Examiner

Mai-Huong Tran

Art Unit

2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Election/Restriction

Applicant's election with traverse of Species II (claims 6-12) in Paper No. 7 drawn to a circuit for a power dissipating device is acknowledged. Accordingly, claims 1-6 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The traversal is on the ground(s) that see the election paper. This is not found persuasive because the fields of search for a thermally monitored power dissipating semiconductor device and a circuit for a power dissipating device claims are NOT coextensive and the determinations of patentability of these claims are different, that is thermally monitored power dissipating semiconductor device and a circuit for a power dissipating device are given weight differently in determining the patentability of the claimed inventions. Also, the strategies for doing text searching of the semiconductor device claims and a power dissipating device claims are different. Thus, separate searches are required.

The requirement is still deemed proper and is therefore made **FINAL**.

Applicant has the right to file a divisional application covering the subject matter of the non-elected claims.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6-12 are rejected under 35 U. S. C. § 102 (e) as being anticipated by U.S. Patent No. 6,310,280 to Aigner et al.

Regarding to claim 6, Aigner discloses a power dissipating device arranged between a source and a load, the device being operative to generate a temperature difference between a relatively cold peripheral area of the device and a relatively warm central area of the device, the temperature difference having a known relationship to electrical operating conditions of the device; a Seeback effect thermoelectric sensor integrally formed with the device, the sensor having one or more warm junctions at the central area of the device and one or more cold junctions at the peripheral area of the device, the sensor being operative to generate an electrical output signal having a known relationship to the temperature difference between the peripheral and central areas of the device so as to provide an indication of the electrical operating conditions of the device; and circuitry operative in response to the electrical output signal of the sensor to modify

the operation of the circuit in a corresponding predetermined fashion as set forth in cols. 1-7 and fig. 1.

Claim 7 is rejected under the same rationale set forth above to claim 6.

Claim 8 is rejected under the same rationale set forth above to claim 6.

Claim 9 is rejected under the same rationale set forth above to claim 6.

Claim 10 is rejected under the same rationale set forth above to claim 6.

Claim 11 is rejected under the same rationale set forth above to claim 6.

Claim 12 is rejected under the same rationale set forth above to claim 6.

Conclusion

Any inquiry concerning this communication on earlier communications from the examiner should be directed to Mai-Huong Tran, (703) 305-1958. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM. The examiner's supervisor, David Nelms can be reached on (703) 308-4910.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Mai-Huong Tran

HOAI HO
PRIMARY EXAMINER